

FILED

2016 DEC 13 PM 2:40

STACEY KEMP
COUNTY CLERK
COLLIN COUNTY, TEXAS
BY:  DEPUTY

NOTICE OF ASSESSMENT LIEN SALE

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

WHEREAS, on or about August 13, 2014, a Notice of Lien was filed in the Deed Records of Collin County, Texas, covering the real property herein described concerning default in the payment of the indebtedness owing by Isidro Negrete, the present owner of said real property, to The Dominion at Panther Creek Homeowners Association, Inc. (the "Association"); and

WHEREAS, the said Isidro Negrete has continued to default in the payment of its/his/her/their indebtedness to the Association and the same is now wholly due, and the Association, acting by and through its duly authorized agent, intends to sell the herein described property to satisfy the present indebtedness of said owners to the Association;

NOW, THEREFORE, notice is hereby given that on Tuesday, January 3, 2017, between 10 o'clock a.m. and 4 o'clock p.m., the Association will sell said real estate at the southwest entrance of the Jack Hatchell Collin Administrative Building located at 2300 Bloomdale Road, McKinney, TX 75071., Collin County, Texas, to the highest bidder for cash, subject to all superior liens and encumbrances of record. The earliest time at which said sale will begin will be 10:00 o'clock a.m., and the sale will take place not later than three (3) hours after that time.

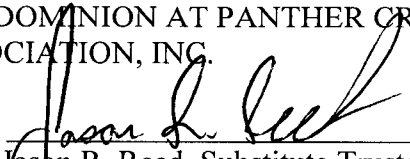
Said real estate is described as follows:

Lot 16, Block J, Dominion at Panther Creek Phase Three, an Addition to the City of Frisco, Collin County, Texas, according to the map or plat thereof recorded in Volume 2006, Page 457, Plat Records, Collin County, Texas (12694 Loxley Drive)

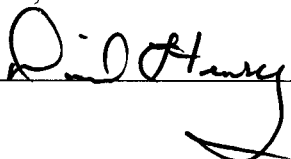
WITNESS my hand this 20th day of October, 2016

THE DOMINION AT PANTHER CREEK HOMEOWNERS
ASSOCIATION, INC.

By:


Jason R. Reed, Substitute Trustee
Riddle & Williams, P.C.
3710 Rawlins Street, Suite 1400
Dallas, Texas 75219

The within notice was posted by me on the 13 day of DECEMBER, 2016, at the Collin County Courthouse in Collin, Texas.



CAUSE NO. 416-03360-2015

IN RE: ORDER FOR FORECLOSURE	§	IN THE DISTRICT COURT OF
CONCERNING	§	
	§	
12694 Loxley Drive	§	COLLIN COUNTY, TEXAS
Frisco, TX 75035-9115	§	
	§	
UNDER TEX. R. CIV. PROC. 736	§	
	§	
AND ISIDRO NEGRETE	§	416TH JUDICIAL DISTRICT

ORDER FOR FORECLOSURE

On August 21, 2015, the Application for Foreclosure under Tex. R. Civ. Proc. 736 in the above-entitled cause of action was presented to the Court. **The Dominion at Panther Creek Homeowners Association, Inc.** (the “Association”), Petitioner herein, seeks an order pursuant to Tex. R. Civ. Proc. 736 to foreclose the Association’s assessment lien against 12694 Loxley Drive, Frisco, Texas 75035-9115, and further described as follows:

Lot 16, Block J, Dominion at Panther Creek Phase Three, an Addition to the City of Frisco, Collin County, Texas, according to the map or plat thereof recorded in Volume 2006, Page 457, Plat Records, Collin County, Texas (12694 Loxley Drive) (hereinafter the “Property”).

The Court finds that the Association’s Application for Foreclosure complies with Rule 736.1 of the Tex. R. Civ. Proc. and was properly served in accordance with Rule 736.4 of the Tex. R. Civ. Proc. The Court further finds that Respondent have not previously filed a response, and the return of service has been on file with the clerk of the Court for at least 10 days before the date of this Order. The Court finds that the name and last known address of each respondent is as follows:

Isidro Negrete
12694 Loxley Drive
Frisco, Texas 75035-9115

Pursuant to Rule 736.7 of the Tex. R. Civ. Proc., all facts alleged in the Application for Foreclosure and supported by the affidavit of material facts constitute prima facie evidence of the truth of the matters alleged. The Court further finds as follows:

1. This proceeding is brought in the county in which all or part of the real property encumbered by the lien sought to be foreclosed is located.
2. The Association is governed by the Declaration of Covenants, Conditions and Restrictions for The Dominion at Panther Creek and Provisions for The Dominion at Panther Creek Homeowners Association (the "Declaration"), as corrected and supplemented from time to time.
3. The Property is subject to and governed by the Declaration.
4. By virtue of Respondent's acquisition of the Property, Respondent agreed to and became obligated by the Declaration to pay to the Association all assessments for the expense of administration, maintenance, upkeep and repair of the Community as assessed in accordance with the Declaration, as more particularly shown in Article XXXIII of the Declaration.
5. Article XXXIII of the Declaration creates an assessment lien against the Property to secure payment of assessments and other charges pursuant to Tex. R. Civ. Proc. 735.1(c) and Tex. Prop. Code 209.0092.
6. Article XXXIII of the Declaration further provides that the Association may foreclose its assessment lien by appropriate judicial or non-judicial proceedings.
7. During the period of Respondent's ownership, Respondent has been assessed maintenance fees in a non-discriminatory manner based on Respondent's ownership of the Property.

8. Article XXXIII of the Declaration and Texas Property Code 5.006 provide for recovery of attorney's fees and expenses incurred in the collection of delinquent assessments.
9. As of August 7, 2015, Respondent is 31 months in default in his/her obligations to the Association for a total of Three Thousand and Seventeen Dollars and Eighty Nine Cents (\$3,017.89).
10. Respondent has been notified of the amounts due and unpaid attributed to Respondent's failure to pay the assessments and other charges by notice letter dated June 5, 2014.
11. A Notice of Lien was filed on or about August 13, 2014, at Instrument Number: 20140813000861090 in the office of the County Clerk of COLLIN County, Texas, and Respondent was notified of same by letter dated August 12, 2014.
12. The Association afforded Respondent thirty (30) days to cure the default pursuant to the August 12, 2014, letter, and such opportunity to cure the default has expired.
13. Prior to filing this Application, the Association performed all actions required under applicable law and the terms of the Declaration required prior to foreclosing the Association's assessment lien against the Property.

THE COURT THEREFORE GRANTS the Association's Application for Foreclosure under Tex. R. Civ. Proc. 736.

IT IS THEREFORE ORDERED that the Association may proceed with a foreclosure of its assessment lien on the Property under the terms of the Association's Declaration and Texas Property Code Section 51.002; and

IT IS FURTHER ORDERED that the Association shall send Respondent a copy of this Order with the notice of foreclosure sale sent to Respondent; and

IT IS FURTHER ORDERED that the Association may communicate with Respondent and all third parties as may be reasonably necessary to conduct the foreclosure sale of the Property.

SIGNED ON 11/18/2015.



JUDGE PRESIDING